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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,260	09/08/2003	Toshiyuki Tabu	32011-192720	8603
26694	7590	05/14/2008		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER VIANA DI PRISCO, GERMAN	
			ART UNIT	PAPER NUMBER
			2617	
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			05/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,260

Applicant(s)

TABU, TOSHIYUKI

Examiner

GERMAN VIANA DI PRISCO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Salim (United States Patent No.: 6,628,653 B1) .

Consider claim 5, Salim discloses a packet type identification device, which identifies one or a plurality of types of packet formats, comprising: a packet information extraction portion which extracts from a packet for identification a prescribed range of fields including at least one identifying information item which identifies the packet type (programmable discriminator 200 selects bits from particular sections of the packet) (figure 2, column 4, lines 24-28 and column 6, lines 55-59); and a packet judgment portion (comparator 440 in figure 4), which judges the packet type based on whether the identifying information item in a first prescribed position (particular section of the packet) among said extracted fields includes one of a type or a length identifier (column 4, lines 24-28 and column 9, lines 3-4).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salim (United States Patent No.: 6,628,653 B1) in view of Moriwaki et al. ("Moriwaki ", United States Patent Application Publication No.: 2003/0002506 A1).

Consider claim 1, Salim shows and discloses routing processing device (figure 14 and column 15, line 42 – column 16, line 67) which identifies one or a plurality of types of packet formats (column 4, lines 24-28), and performs routing processing for each packet type, comprising: a packet information extraction portion, which extracts from a packet for identification a prescribed range of fields including at least one identifying information item which identifies the packet type (programmable

discriminator 200 selects bits from particular sections of the packet)(figure 2 and column 6, lines 55-59) ; a packet judgment portion, which judges the packet type based on whether the identifying information item in a first prescribed position (particular section of the packet, column9, lines 3-4) among said extracted fields includes one of type or a length identifier;(comparator 440 in figure 4, column 2, lines 41-48, column 4, lines 24-28 and column 8, line 62 – column 9, line 34); a packet sorting portion which sorts packets based on said header information imparted to the packets (packet handler 240 in figure 2); and, a routing processing portion which performs routing processing of packets sorted by said packet sorting portion, according to the packet type (figure 14 and column 15, line 42 – column 16, line 67).

However Salim fails to teach a header-imparting portion, which creates header information according to the packet type based on the judgment result of said packet judgment portion and imparts the header information to the packet.

In the same field of endeavor, Moriwaki shows and discloses an internal header generator 236 (figure 4) and an internal header depending on the packet type (paragraph [077]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a header depending on the packet type as disclosed by Moriwaki in the device of Salim with the purpose of controlling the flow of packets.

Consider claim 2, and as applied to claim 1 above, Salim as modified by Moriwaki shows and discloses a settings table 230 which associates packet types with said routing processing portion, and wherein said header imparting portion creates a packet header information designating said routing processing portion, based on the judgment result of the packet by said packet judgment portion and said settings table and imparts this packet header information to the packet (figure 14 and column 15, line 42 – column 16, line 5).

Consider claim 4 and as applied to claim 1 above, Salim as modified by Moriwaki discloses a programmable hardware discriminator for receiving incoming packets and selecting bits from any part of the incoming packets (column 2, lines 7-9).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salim (United States Patent No.: 6,628,653 B1) in view of Moriwaki et al. ("Moriwaki", United States Patent Application Publication No.: 2003/0002506 A1) and further in view of Mizuhara et al. ("Mizuhara ", United States Patent Application Publication No.: 2002/0012348 A1).

Consider claim 3 and as applied to claim 1 above, Salim as modified by Moriwaki does not specifically disclose the header containing discarding instruction information.

In the same field of endeavor, Mizuhara discloses a router device wherein an internal header is added to a packet containing discarding information (paragraph [0025]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add discarding information to the header as disclosed by Mizuhara in the device of Salim as modified by Moriwaki with the purpose of controlling the flow of packets.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salim (United States Patent No.: 6,628,653 B1) in view of Moriwaki et al. ("Moriwaki", United States Patent Application Publication No.: 2003/0002506 A1) and further in view of Shankar (United States Patent Application Publication No.: US 2007/0223474 A1).

Consider claims 6 and 7, and as applied to claims 1 and 5 respectively above, the combination of Salim and Moriwaki does not specifically disclose the claimed limitation.

In the same field of endeavor, at the time the invention was made, Shankar teaches that if the identifying information item in the first prescribed position lacks the type identifier, the packet judgment portion judges the packet type based on whether the identifying information item in a second prescribed position among the extracted fields includes one of the type or length identifier (based on the value of the first extracted field, e.g. lacking the type identifier, the second field may be defined and extracted) (table 1, and paragraphs [0041] and [0045]).

Therefore it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the method disclosed by Shankar in the teachings of Salim and Moriwaki in order to provide for an optimal and flexible mechanism for parsing and filtering a packet .

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salim (United States Patent No.: 6,628,653 B1) in view of Shankar (United States Patent Application Publication No.: US 2007/0223474 A1) and further in view of Moriwaki et al. ("Moriwaki ", United States Patent Application Publication No.: 2003/0002506 A1).

Consider claim 8, Salim clearly shows and discloses receiving a packet (column 4, lines 24-25); extracting a pre-specified range of fields from the received packet (column 5, line 6 and column 9, lines 3-5); identifying a first information item in a first pre-specified position in the extracted range of fields (column 4, lines 24-28); and based on the identified first information item determining a type of the received packet based on the first information item if the first information item includes a type identifier (column 4, lines 24-28); and routing the packets based on the packet type (figure 14 and column 15, line 42 – column 16, line 67).

However Salim does not specifically disclose one of (a) determining a type of the received packet based on the second information item if the first information item includes a length identifier or the second information item includes the type identifier, or (b) determining a type of a packet based on a third information item in a third pre-

specified position in the extracted range of fields if the second information item includes a length identifier; or creating header information based on the determined packet type.

In the same field of endeavor, Shankar discloses determining a type of the received packet based on the second information item if the first information item includes a length identifier or the second information item includes the type identifier (based on the value of the first field, the second field may be defined and extracted)(table 1 and paragraphs [0041] and [0045]).

Therefore it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the method disclosed by Shankar in the teachings of Salim in order to provide for an optimal and flexible mechanism for parsing and filtering a packet.

However Salim as modified by Shankar fails to teach creating header information based on the determined packet type.

In the same field of endeavor, Moriwaki shows and discloses an internal header generator 236 (figure 4) and an internal header depending on the packet type (paragraph [077]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a header depending on the packet type as disclosed by Moriwaki in the device of Salim as modified by Shankar with the purpose of controlling the flow of packets.

Response to Arguments

2. Applicant's arguments filed 01/16/2008 have been fully considered but they are not persuasive. Applicant basically argues that Salim does not describe or suggest extracting a prescribed range of fields. The Examiner respectfully disagrees because upon further consideration of the Salim reference, Salim does describe extracting a prescribed range of fields; Salim clearly discloses that selected bits of a packet may be in the form of several groups corresponding to particular sections of the packet (prescribed range of fields) (see column 9, lines 3-4).

Applicant further argues that Salim does not describe or suggest that the judgment is made based on whether the information item includes a type or a length of a packet. The Examiner respectfully disagrees because Salim clearly discloses a discriminator that identifies particular types of packets (see column 4, lines 24-28).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERMAN VIANA DI PRISCO whose telephone number is (571)270-1781. The examiner can normally be reached on Monday through Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/German Viana Di Prisco/
Examiner, Art Unit 2617
May 7, 2008

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617